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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,656	05/01/2006	Kang Soo Seo	46500-000411/US	3241

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EXAMINER	
TOPGYAL, GELEK W	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
06/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,656	SEO ET AL.	
	Examiner	Art Unit	
	GELEK TOPGYAL	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequ3nce, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

Claim 19 is rejected under 35 U.S.C. Sec. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 19 recites a mere compilation of data (original clips, normal PlayList, virtual PlayList, and original PlayItems) which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 2002/0145702) in view of Frimout et al. (US 2005/0174666).

Regarding claims 1, 11, 14 and 17-19, Kato et al. teaches a method/apparatus for reproducing data recorded on a recording medium, the method comprising:

downloading the at least one additional clip from the external source (Paragraphs 0003, 0150 and 0170 teaches that an AV stream to be recorded is from a broadcast signal such as satellite broadcasts, wave television broadcasts or digital broadcasts);

creating a new PlayList based on the virtual PlayList (paragraph 0150 teaches that when additional content is recorded, a new PlayList with its respective PlayItem of the AV stream and the management information for the recorded contents are stored in the memory), the new PlayList including a new PlayItem designating the at least one additional clip designated by the download list; and (paragraphs 0179-0182 and 0252 teaches of the ability to insert new PlayItems into an existing virtual PlayList. The new virtual PlayList includes portions of both an existing Real PlayList and the recently created PlayList including the additional content),

playing-back selected one of a normal PlayList and the new PlayList , wherein the normal PlayList has an original PlayItem designating at least one original clip recorded on the recording medium (paragraphs 0179-0182 and 0252 teaches of the

ability to insert new PlayItems into an existing virtual PlayList. The new virtual PlayList includes portions of both an existing Real PlayList (original clip) and the recently created PlayList including the additional content).

However, Kato et al. fails to particularly teach of reading a virtual PlayList identifying a download list from the recording medium, the download list designating at least one additional clip downloadable from an external source;

Kato et al. system is a recording apparatus that is capable of recording television broadcasts. It is well known in the art at the time of Kato et al. for recording systems to use reserved recording technology.

In an analogous art, Frimout et al. teaches in paragraphs 0008-0016 of the ability to store management data. The management data is used to initiate and execute a programmed recording of a broadcast program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to create a playlist (management data with programmed recording schedule) as taught by Frimout et al. into the system of Kato et al. so that broadcast programs can be programmed for automatic recording.

Claims 2-3 are rejected for the same reasons as discussed in claim 1 above wherein an original PlayItem is used for creating the Virtual PlayList.

Regarding claims 4 and 9, as discussed in claims 1 and 2 above the downloaded program of Kato et al. is used to create a new PlayList useable in the creation of the new Virtual PlayList.

Regarding claims 5-7, Kato et al. teaches in paragraphs 0202 and 0330-0336 and Fig. 53 teaches of PIDs of different program sequences. The program sequence, the playback route, is determined by the PlayList (Virtual or Real).

Regarding claims 8 and 10, Kato et al. teaches in paragraph 0202 of ProgramInfo used to describes attributes of the downloaded program. The attributes are used to identify the contents of the program.

Claims 12-13 and 15-16 are rejected for the same reasons as discussed in claims 2 and 3 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art teaches of systems that are capable to updating content that are already stored on the system and for allowing new contents to be recorded onto a recording medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621